

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

In the Matter of)

Amendment of Section 73.202(b))

Table of Allotments)

FM Broadcast Stations)

(Sister Bay, Wisconsin))

MM Docket No. 99-288

RM-9708

To: Chief, Allocations Branch
 Policy and Rules Division
 Mass Media Bureau - Mail Stop 1800D5

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 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

COUNTERPROPOSAL OF MIDWEST DIMENSIONS, INC.

1. Midwest Dimensions, Inc. ("Midwest"), licensee of WPCK(FM), Channel 285A, Kaukauna, Wisconsin, hereby offers the following counterproposal to the Commission's *Notice of Proposed Rulemaking*, DA 99-1883 (released September 17, 1999) ("Notice"), which proposes to allot Channel 286A to Sister Bay, Wisconsin, as that community's first local broadcast service. Midwest proposes that the Commission instead substitute Channel 295A for Channel 286A as the first local aural transmission service for Sister Bay, Wisconsin, for the reasons provided below.

Statement

2. Midwest filed a *Petition for Rulemaking* on June 19, 1998 ("Petition"), requesting that the Commission amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, by substituting Channel 285C3 for Channel 285A in Kaukauna, Wisconsin, reallocating Channel 285C3 from Kaukauna to Denmark, Wisconsin, and modifying the WPCK(FM) license accordingly. The Commission subsequently released a *Notice of Proposed Rulemaking*, DA 989-289, MM Dckt 99-36, RM 9372 (released February 5, 1999), seeking comment on Midwest's petition. Midwest was the only party to subsequently file comments in the proceeding, in which it

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confirmed its intention to promptly file the appropriate application for Channel 285C3 at Denmark, Wisconsin, and, if so authorized, to promptly modify the WPKC facilities to operate as a Class C3 station. This matter continues to remain pending at the Commission.

3. In its *Petition*, Midwest set forth proposed site reference coordinates for the proposed WPKC(FM) reallocation that complies with the Commission's technical requirements, while allowing for city-grade coverage (3.16 mV/m) over Denmark, Wisconsin, the new proposed city of license. Midwest has received tentative approval from the owner of the site where the reference coordinates are located, so that Midwest could construct the WPKC(FM) Class C3 tower at the proposed coordinates, if so authorized.¹ See Declaration of Jim Coursolle, at *Exhibit A*.

4. In the event that the proposed site becomes unavailable, however, or Midwest is unable to obtain environmental approval or FAA approval, Midwest would be forced to locate another site that would comply with FAA, environmental and Commission technical requirements. If the proposal to allot Channel 286A to Sister Bay, Wisconsin is granted, Midwest's ability to relocate the WPKC(FM) transmitter would become severely limited, due to the Commission's technical spacing requirements. Therefore, the ability of WPKC(FM) to serve the Denmark community would be jeopardized, threatening to undermine the public interest and potentially preventing Denmark from being awarded with its first local aural transmission service.

5. As shown in the engineering statement attached hereto as *Exhibit B*, if Channel 295A were substituted for Channel 286A at Sister Bay, Wisconsin, any interference and short-spacing concerns for Midwest would be resolved. WPKC(FM) would be able to find a suitable replacement transmitter site, if necessary, that would allow the station to provide a first local service to Denmark,

¹The existing WPKC Class A facilities are at a different transmitter site than that proposed in the *Petition*, which could not be used for the Class C3 operation.

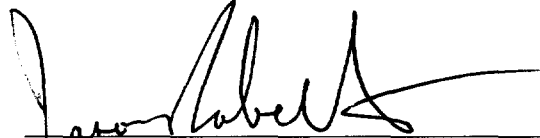
without creating any spacing or interference concerns with the Sister Bay allotment.² Therefore, the public interest would be better served if this counterproposal is adopted.

Conclusion

For the foregoing reasons, Midwest hereby respectfully requests that the Commission substitute Channel 295A for Channel 286A as the first local broadcast service for Sister Bay, Wisconsin.

Respectfully submitted,

MIDWEST DIMENSIONS, INC.

A handwritten signature in black ink, appearing to read "Jason S. Roberts", written over a horizontal line.

Jason S. Roberts

Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Ave., NW, Suite 200
Washington, DC 20036-3101
Tel. 202-728-0400
Fax 202-728-0354

Its Attorney

November 8, 1999

²As shown in *Exhibit B*, the allotment of Channel 295A to Sister Bay would necessitate a site restriction of .71 kilometers. However, this site relocation would continue to allow the station to provide city-grade coverage to Sister Bay, and therefore the public interest would in no way be harmed by this channel substitution.

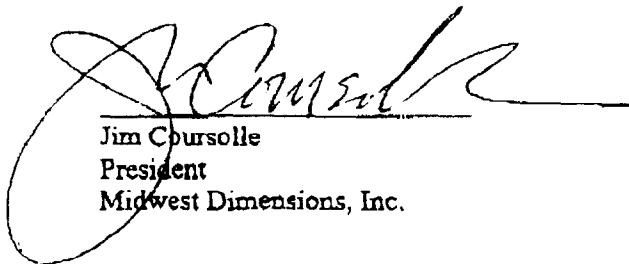
EXHIBIT A

DECLARATION OF JIM COURSOLLE

Jim Coursolle hereby declares as follows:

1. I am the President of Midwest Dimensions, Inc. ("Midwest"), licensee of WPCCK(FM), Channel 285A, Kaukauna, Wisconsin.
2. Midwest filed a *Petition for Rulemaking* on June 19, 1998 ("*Petition*"), requesting that the Commission amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, by substituting Channel 285C3 for Channel 285A in Kaukauna, Wisconsin, reallocating Channel 285C3 from Kaukauna to Denmark, Wisconsin, and modifying the WPCCK(FM) license accordingly. The Commission subsequently released a *Notice of Proposed Rulemaking*, DA 989-289, MM Dckt 99-36, RM 9372 (released February 5, 1999), in which it stated that the above-referenced proposal warrants consideration since it complies with the Commission's technical requirements and would serve the public interest. This matter remains pending before the Commission.
3. Midwest has received tentative approval to construct the WPCCK transmitter at the site set forth in the *Petition*.
4. I have reviewed the foregoing Comments and the facts set forth therein are true and correct to the best of my information, knowledge, and belief.

I declare under the penalty of perjury that the foregoing is true and correct.



Jim Coursolle
President
Midwest Dimensions, Inc.

Executed on November 8, 1999

EXHIBIT B

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20054**

IN THE MATTER OF:)	MM DOC: 99-288
AMENDMENT OF SECTION 73.202 (b),)	RM-9708
TABLE OF ASSIGNMENTS,)	
F.M. BROADCAST STATIONS.)	
(SISTER BAY, WI))	
TO THE COMMISSION		

ENGINEERING STATEMENT

This Engineering Statement concerns the above captioned Petition for Rule Making.

Midwest Dimension Inc. respondent retained the services of Lyle R. Evans, Technical Consultant, to conduct engineering studies and prepare necessary Statements and Attachment to support Midwest Dimensions, Inc. "COMMENTS" in the above captioned rule making.

Midwest Dimensions, Inc. proposes substitution of FM Channel 295A (106.9 MHZ) for FM Channel 104.9 at Sister Bay, WI.

The Village of Sister Bay, WI Reference Geographic Coordinates, specified in the National Atlas of the United States of America, published by The United States Department of the Interior Geographical survey are:

**SISTER BAY, WI
PROPOSED RULE MAKING
AMENDMENT OF 47 C.F.R. 73.202(b); TABLE OF FM ALLOTMENTS
FM CHANNEL 295A; 106.9 MHZ
RESPONDENT: MIDWEST DIMENSIONS, INC.**

45-11-18 N Latitude

87-07-18 W Longitude

An FM Channel 295A Distance Separation study, conducted with Village of Sister Bay geographic Reference Coordinates as base, displays an allotment of FM Channel 295A at Sister Bay reference coordinates not in compliance with applicable minimum distance separation requirements set forth in 47 C.F.R. 73.207.

To allot Channel 295A to Sister Bay and comply with requirements of 47 C.F.R. 73.207, it is necessary to restrict an antenna/tower (transmitter site) location 0.71 Kilometers distant at a bearing of 180.0 degrees from the Sister Bay geographic Reference Coordinates .

Attachment E-A to this Engineering Statement, an FM Channel 295A Distance Separation study, with restricted illustrative allotment coordinates: 45 degrees-10'-55.0" North Latitude, 87 degrees-07'-18.0" West Longitude, as base, displays a restricted allotment of FM Channel 295A at Sister Bay, Wisconsin in complete compliance with applicable minimum distance separation requirements set forth in 47 Code of Federal Regulations 73.207.

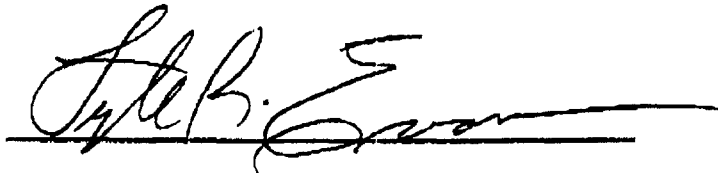
Many ideal available transmitter sites exist from which the requisite "Principal Community" (70.0 dBu or 3.16 mV/m Contour) coverage can be provided to the entire

**SISTER BAY WI
PROPOSED RULE MAKING
AMENDMENT OF 47 C.F.R. 73.202(b); TABLE OF FM
ALLOTMENTS
FM CHANNEL 295A; 106.9 MHZ.
PETITIONER: MIDWEST DIMENSIONS, INC.**

Village of Sister Bay, WI.

**The most recent applicable FCC Rules and Regulations have been used in the
preparation of this Engineering Statement. It has believed to conform to the Commission's
Technical Standards.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lyle R. Evans', is written over a horizontal line.

**Lyle R. Evans
Technical Consultant**

November 8, 1999

**Lyle Robert Evans
Technical Consultant
2470 Crooks Avenue
Kaukauna, WI 54130-3914
(920) 766-0200**

Jim Coursolle
2401 Waukau Oshkosh WI 54903

SISTER BAY, WISCONSIN
PROPOSED ALTERNATE FM CHANNEL ALLOTME

REFERENCE	CLASS A	DISPLAY DATES
45 10 55 N		DATA 11-02-99
87 07 18 W	Current rules spacings	SEARCH 11-07-99
----- CHANNEL 295 -106.9 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WMXG.C	292C2	Stephenson	MI	338.9	55.03	55.0	0.03 <
CPM CN	45 38 36	87 22 37	50.000 kW	150M	34.2	34.2	
	Pacer Radio of the Near-North				BMPH980825IF		990722
WOCOFM	296A	Oconto	WI	244.1	73.15	72.0	1.15 <
LI CN	44 53 31	87 57 18	3.000 kW	64M	45.5	44.8	
	Lamardo, Inc.				BLH4131		
>Class B1 with respect to Canada							
WJLW	294C3	Allouez	WI	219.9	100.83	89.0	11.83
LI ZCN	44 29 03	87 56 12	25.000 kW	100M	62.7	55.3	
	Jon A. Le Duc				BLH970102KA		
AP294	294A	Iron Mountain	MI	315.1	100.98	72.0	28.98
AP CN	45 49 15	88 02 25	1.700 kW	190M	62.8	44.8	
	Donald James Noordyk				951013MA		
AP294	294A	Iron Mountain	MI	315.1	100.98	72.0	28.98
AP CN	45 49 15	88 02 25	1.750 kW	189M	62.8	44.8	
	Zephyr Broadcasting, Inc.				951016MB		
ALOPEN	294A	Iron Mountain	MI	314.2	102.49	72.0	30.49
AL N	45 49 12	88 04 06	0.000 kW	OM	63.7	44.8	
	95-29		WO= 950914				951016
>Proposed to Canada as Class B1 950217-Accepted by Canada							
>Effective 9-14-95							
WSFQ	242C2	Peshtigo	WI	263.6	57.82	15.0	42.82
LI CN	45 07 19	87 51 07	49.000 kW	147M	35.9	9.3	
	Good Neighbor Broadcasting, I				BLH960805KB		
>From Channel 241A per D91-240							
WKPK	294C1	Gaylord	MI	94.1	179.76	133.0	46.76
LI CN	45 02 42	84 50 44	100.000 kW	177M	111.7	82.7	
	Alpine Broadcasting Company				BLH781221AB		

Jim Coursolle
2401 Waukau Oshkosh WI 54903

SISTER BAY, WISCONSIN
PROPOSED ALTERNATE FM CHANNEL ALLOTME

REFERENCE	CLASS A	DISPLAY DATES
45 11 18 N		DATA 11-02-99
87 07 18 W	Current rules spacings	SEARCH 11-07-99
----- CHANNEL 295 -106.9 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WMXG.C	292C2	Stephenson	MI	338.6	54.37	55.0	-0.63 *
CPM CN	45 38 36	87 22 37	50.000 kW	150M	33.8	34.2	
Pacer Radio of the Near-North					BMPH980825IF		990722
WOCOFM	296A	Oconto	WI	243.6	73.46	72.0	1.46 <
LI CN	44 53 31	87 57 18	3.000 kW	64M	45.7	44.8	
Lamardo, Inc.					BLH4131		
>Class B1 with respect to Canada							
WJLW	294C3	Allouez	WI	219.7	101.37	89.0	12.37
LI ZCN	44 29 03	87 56 12	25.000 kW	100M	63.0	55.3	
Jon A. Le Duc					BLH970102KA		
AP294	294A	Iron Mountain	MI	314.8	100.48	72.0	28.48
AP CN	45 49 15	88 02 25	1.700 kW	190M	62.5	44.8	
Donald James Noordyk					951013MA		
AP294	294A	Iron Mountain	MI	314.8	100.48	72.0	28.48
AP CN	45 49 15	88 02 25	1.750 kW	189M	62.5	44.8	
Zephyr Broadcasting, Inc.					951016MB		
ALOPEN	294A	Iron Mountain	MI	313.9	101.99	72.0	29.99
AL N	45 49 12	88 04 06	0.000 kW	0M	63.4	44.8	
95-29 WO= 950914							951016
>Proposed to Canada as Class B1 950217-Accepted by Canada							
>Effective 9-14-95							
WSFQ	242C2	Peshtigo	WI	262.9	57.90	15.0	42.90
LI CN	45 07 19	87 51 07	49.000 kW	147M	36.0	9.3	
Good Neighbor Broadcasting, I					BLH960805KB		
>From Channel 241A per D91-240							
WKPK	294C1	Gaylord	MI	94.3	179.81	133.0	46.81
LI CN	45 02 42	84 50 44	100.000 kW	177M	111.8	82.7	
Alpine Broadcasting Company					BLH781221AB		

SITE TO SITE DISTANCE USING GEOGRAPHICAL COORDINATES -- FCC METHOD
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COORDINATES A

ATITUDE:	45° 11' 18.0"	LONGITUDE:	87° 7' 18.0"
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COORDINATES B

ATITUDE:	45° 10' 55.0"	LONGITUDE:	87° 7' 18.0"
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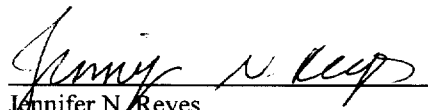
Distance: 0.44 Miles
0.71 Kilometers

Bearing: N 180.0 E Degrees

CERTIFICATE OF SERVICE

I, Jennifer N. Reyes, hereby certify that on this 8th day of November, 1999, copies of the foregoing "Counterproposal of Midwest Dimensions, Inc." have been served by U.S. first-class mail, postage prepaid, upon the following:

Michael J. Mesic
12460 W. Duncan Lane, #206
New Berlin, WI 53151


Jennifer N. Reyes